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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE BRICKLAYERS AND ALLIED CRAFTWORKERS, LOCAL 5 NEW YORK RETIREMENT, WELFARE, LABOR MANAGEMENT COALITION and APPRENTICE TRAINING AND JOURNEYMEN UPGRADING FUNDS, and BRICKLAYERS AND ALLIED CRAFTWORKERS LOCAL 5 NEW YORK,

AUDIT ORDER

07 CIV 10533 (WCC)(MDF)

ECFORDER

Plaintiffs,

- against -

INNOVATIVE WALL SYSTEMS, INC. and PETER SCIALLO, Individually and d/b/a INNOVATIVE WALL SYSTEMS and INNOVATIVE WALLS, CORP.

Defendants.

UPON CONSENT OF THE PARTIES, it is

Individually and d/b/a Innovative Wall Systems and Innovative Walls, Corp, shall each permit plaintiffs' auditor, Alex Kuchis, CPA, to audit their books and records for the period April 30, 2006 to November 1, 2007 at Pleasanty, Ive, My 10570 on a date to be agreed upon but not later than February 10, 2008, commencing at 10:00 a.m. and ending at 5:00 p.m. and continuing daily thereafter on weekdays until completion.

The following records shall be then and there produced by all defendants:

- 1. Payroll tax returns:
 - a. Forms 941
 - b. Forms NYS-45 or NYS-45 ATT
 - :. Forms W-3
- 2. Subcontractors' reports:
 - a. Forms 1099
 - b. Forms 1096

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- Identification of wage rate and trade classification for each employee. 3.
- Payroll cards, journals, computer reports or summaries from which total 4. gross wages paid and hours worked (with monthly totals) by all employees may be ascertained. It will also be necessary to identify the jurisdiction in which hours were worked.
- Forms W-2 for all employees. 5.
- Canceled checks written to the plaintiff. 6.
- Copies of contractor reports submitted to the plaintiff Funds. 7.
- Cash disbursements journals and check stubs. 8.
- 9. General ledger.
- List of all jobs including locations. 10.
- All canceled checks. 11.
- Certified payrolls for all Public Works jobs. 12.
- Job cost reports Identifying employees assigned to the job and their hours 13. (and/or employee time cards).
- List of employees who perform union trade jurisdiction work. 14.
- Subcontractors who worked on each job performing union trade jurisdiction 15. work, a description of the work they performed and a copy of the contract with each subcontractor.

The defendants shall provide a suitable office for the auditor's use and make available such other books and records as the auditor determines are necessary in order to conduct a thorough audit for said period.

Dated: <u>January</u> 28, 2008 White Plains, New York

SO ORDERED

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Approved as to form and content:

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